

FIRST REGULAR SESSION

HOUSE BILL NO. 958

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WIEMANN.

1908H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 379.150 and 379.160, RSMo, and to enact in lieu thereof two new sections relating to property insurance.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 379.150 and 379.160, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 379.150 and 379.160, to read as follows:

379.150. Whenever there is a partial destruction or damage to property covered by
2 insurance, it shall be the duty of the party writing the policies to pay the assured a sum of money
3 ~~[equal to the damage done to the property, or repair the same to the extent of such damage]~~ **at**
4 **least equal to the actual cash value of the destruction of or damage to the property**, not
5 exceeding the amount written in the policy~~[-so that said property shall be in as good condition~~
6 ~~as before the fire, at the option of the insured].~~

379.160. 1. Each fire insurance company doing business in the state of Missouri is
2 hereby required to file the form of policy for use by it in the state of Missouri, covering the
3 responsibilities of the companies as well as the duties of the assured, to be classed and known
4 as the standard fire insurance policy. Said policy form may be approved by the director of the
5 department of insurance, financial institutions and professional registration of the state, and no
6 policy shall be issued in this state carrying risks by fire or lightning by any company which does
7 not embrace the form filed and approved of, as herein provided. There may be printed upon such
8 policy the words "Standard Fire Insurance Policy for Missouri" and there may be inserted before
9 and after the word "Missouri" a designation of any state or states or territory in which such form
10 is standard.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 **2. In order to encourage readability in insurance policy forms, the director may**
12 **approve fire insurance policy forms other than the standard fire insurance policy which**
13 **otherwise meet all requirements of law and are at least as favorable to the insured as the**
14 **standard fire insurance policy. Any such fire insurance policy form approved by the**
15 **director shall be deemed to be at least as favorable to the insured as the standard fire**
16 **insurance policy, and such form is not governed by the terms of the standard fire insurance**
17 **policy. This provision of this subsection shall apply to all fire insurance policy forms**
18 **currently submitted for approval, approved in the future, or that have previously been**
19 **approved by the director.**

20 ~~[2-]~~ **3.** All such policies shall have an address of the company in the United States fully
21 printed thereon, to which, in case of loss, the assured may send notice of such loss, and to which
22 notice shall be given within sixty days after the loss.

23 ~~[3-]~~ **4.** The appearance of an adjuster of any company at the place of fire and loss in
24 which said company is interested by reason of an insurance on such property, shall be considered
25 evidence of notice and to be held as a waiver of the same on the part of the company; provided,
26 that on any policies issued upon property, real or personal, or real and personal, there may be
27 attached a coinsurance clause; and provided further, that when a coinsurance clause is attached
28 to any policy a reduction in rate shall be given therefor, in accordance with coinsurance credits
29 that are now or may hereafter be filed as a part of the public rating record in the office of the
30 director of the department of insurance, financial institutions and professional registration in this
31 state, by fire insurance companies, that have been or shall hereafter be approved by the director
32 of the department of insurance, financial institutions and professional registration; provided
33 further, that in all suits brought upon policies of insurance against loss or damage by fire
34 hereafter issued or renewed, the defendant shall not be permitted to deny that the property
35 insured thereby was worth at the time of the issuing of the policy the full amount insured therein
36 on said property covering both real and personal property; and provided further, that nothing in
37 this section shall be construed to repeal or change the provisions of section 379.140.

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